

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROLLS-ROYCE plc and ROLLS-ROYCE  
MOTOR CARS LIMITED,

Plaintiffs,

- against -

ORDER  
09-CV-1381(RRM) (VVP)

ROLLS-ROYCE USA, INC.,

Defendant.

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MAUSKOPF, United States District Judge.

By Motion filed May 28, 2009, Plaintiffs moved for default judgment. By Order entered May 29, 2009, this Court referred that motion to the assigned Magistrate Judge, the Honorable Viktor V. Pohorelsky, for a Report and Recommendation. On January 27, 2010, Judge Pohorelsky issued a Report and Recommendation (the "R&R") recommending that (1) Plaintiffs' motion be granted; (2) Plaintiff Rolls-Royce plc be awarded damages of \$1,000,000; (3) Plaintiff Rolls-Royce Motor Cars Limited be awarded damages of \$1,000,000; and that (4) Defendant be permanently enjoined from using Plaintiffs' name and trademarks for commercial purposes. Judge Pohorelsky reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due February 10, 2010. No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that:

- (1) Plaintiffs' motion for default judgment is GRANTED;
- (2) Plaintiff Rolls-Royce plc is awarded damages of \$1,000,000;
- (3) Plaintiff Rolls-Royce Motor Cars Limited is awarded damages of \$1,000,000;

(4) Defendant, Rolls-Royce USA, Inc., and its officers, agents, employees, servants, successors and assigns, and all other persons in active concert or participation with them are permanently enjoined from:

- a. using the name "Rolls-Royce USA, Inc.," the marks ROLLS-ROYCE USA and RR, or any other reproduction, copy, or colorable imitation of the Rolls-Royce Marks or any of them, in any manner in connection with the conduct of its business, website or domain name, either alone or in conjunction with other words; and
- b. making any other representation or taking any other action that may lead the public to believe that the business being conducted by Defendant under the name Rolls-Royce USA, Inc. is the business of Plaintiffs or of any of their authorized representatives, or is in any way affiliated or connected therewith;

(5) Defendant, Rolls-Royce USA, Inc., and its officers, agents, employees, servants, successors and assigns, and all other persons in active concert or participation with them shall:

- a. obliterate, delete and remove the said corporate and business title and the names and marks "Rolls-Royce," and "RR" from its website, business offices, stationery, telephone and other listings, signs, advertising, promotional material and wherever else the same appear and to destroy or to surrender to Plaintiff any and all materials, including, but not limited to all clothing and apparel in their possession or subject to its control wherein the names "ROLLS-ROYCE" and the other Rolls-Royce Marks may appear; and
- b. change its corporate name and to cause the cancellation, withdrawal or amendment of all filings, licenses and permits issued by or with federal, state or local governmental authorities or agencies so as to omit the names "Rolls-Royce," and the Rolls-Royce Marks or any of the them, or any reproduction, copy, counterfeit or colorable imitation thereof, from their business or corporate titles.

The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York  
February 17, 2010

s/RRM

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ROSLYNN R. MAUSKOPF  
United States District Judge